SUPREME COURT, U.S.
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Supreme Court of the United States

October Term, 1970

UNITED STATES OF AMERICA,

Respondent,

vs.

MANUEL JACOBS,

Petitioner.

On Petition For Writ of Certiorari To The
United States Court of Appeals
For The Ninth Circuit

PETITION FOR REHEARING

BURTON MARKS of
MARKS, SHERMAN, LONDON
SCHWARTZ & LEVENBERG
9720 Wilshire Boulevard
Beverly Hills, California 90212
Telephone - (213) 278-2201
and
MORGAN, WENZEL, LYNBERG,
STEARNS and MORRIS
1545 Wilshire Boulevard
Los Angeles, California 90017
Attorneys for Petitioner Jacobs

Offset printed by: Dana Shanahan Co., 323 Main St., Huntington Beach, Ca. 92648
(714) 536-7161

NO. 1034

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1970

UNITED STATES OF AMERICA,

Respondent,

vs

MANUEL JACOBS,

Petitioner

On Petition For Writ of Certiorari To The United States Court of Appeals For The Ninth Circuit

PETITION FOR REHEARING

The petitioner herein respectfully moves this Court for an order (1) vacating its denial of the petition for writ of certiorari, entered on February 22, 1971, and (2) granting the petition. As grounds for this motion, petitioner states the following:

One of the questions raised by petitioner in his original petition concerned the proper use of telephone toll records (Petition at pp 18-21) As noted by the Solicitor General

(Memorandum at p. 6), there is currently before this Court a petition which appears to raise precisely the same question. *Di Piazza v. United States*, 415 F.2d 99 (6th Cir. 1969), docket number 67. That case was originally docketed in December of 1969. 39 L.W. 3018.

Petitioner respectfully maintains that the denial of his petition is inconsistent with the action of the Court in *Di Piazza*. *See, Shipley v. California*, 395 U.S. 818 (1969) (White, J., dissenting).

CONCLUSION

For the reason set forth above, as well as those contained in the petition for writ of certiorari, petitioner prays that this Court grant rehearing of the order of denial, vacate that order, grant the petition, and review the judgment and opinion below.

Respectfully submitted,

BURTON MARKS, ESQ.
of
MARKS, SHERMAN, LONDON, SCHWARTZ & LEVENBERG

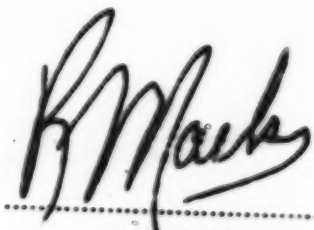
and

MORGAN, WENZEL, LYNBERG, STEARNS and MORRIS

Attorneys for Petitioner Jacobs

CERTIFICATE OF COUNSEL

The undersigned counsel for petitioner certifies that this petition for rehearing is presented in good faith and not for the purpose of delay.



Burton Marks

STATE OF CALIFORNIA)
) ss.
County of Orange)

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and employed in the County of Orange, over the age of eighteen years and not a party to the within action or proceeding; that

My business address is 322 Main Street, Huntington Beach, California 92648, that on MARCH 24, 1971, I served the within PETITION FOR REHEARING (USA v. Jacobs – No. 1834) on the following named parties by depositing three copies thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office in the City of Huntington Beach, California, addressed to said parties at the addresses as follows:

UNITED STATES ATTORNEY
FOR THE CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES COURTHOUSE
LOS ANGELES, CALIFORNIA 90012

SOLICITOR GENERAL OF THE UNITED STATES
WASHINGTON, D. C. 20543

I declare under penalty of perjury that the foregoing is true and correct.

Executed on MARCH 24th, 1971, at HUNTINGTON BEACH, CALIFORNIA.

D. A. Standefer